



# TRANSMITTAL FORM

Application Serial Number	09/872,868
Filing Date	June 1, 2001
First Named Inventor	Gardner et al.
Group Art Unit	1653
Examiner Name	
Attorney Docket No.	CEL-002
BATCH NO. (after allowance)	Not applicable
Patent No.	Not applicable
Issue Date	Not applicable

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form  <input type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets _____]  <input type="checkbox"/> Petition for Extension of Time  <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input checked="" type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553)  <input checked="" type="checkbox"/> Formal Drawing(s)  <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal  <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)  <input type="checkbox"/> Terminal Disclaimer  <input checked="" type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application  <input type="checkbox"/> Small Entity Statement  <input type="checkbox"/> CD(s) for large table or computer program  <input type="checkbox"/> Amendment After Allowance  <input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences  <input type="checkbox"/> Appeal Brief (in triplicate)  <input type="checkbox"/> Status Inquiry  <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8  <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8  <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below)  Response to Notice to File Missing Parts (2 pgs.) Application Data Sheet (2 pgs.)
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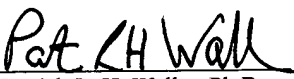
## CORRESPONDENCE ADDRESS

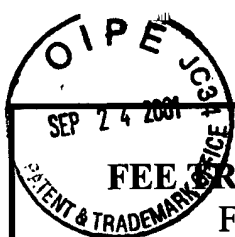
Direct all correspondence to: Patent Administrator  
Testa, Hurwitz & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110  
Tel. No.: (617) 248-7000  
Fax No.: (617) 248-7100

## SIGNATURE BLOCK

Date: September 20, 2001  
Reg. No. 41, 418  
Tel. No.: (617) 248-7240  
Fax No.: (617) 248-7100

Respectfully submitted,

  
Patrick R. H. Waller, Ph.D.  
Agent for Applicant(s)  
Testa, Hurwitz & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110



# **FEE TRANSMITTAL**

FY 2001

Complete if Known

Application Serial Number	09/872,868
Filing Date	June 1, 2001
First Named Inventor	Gardner et al.
Group Art Unit	1653
Examiner Name	
Attorney Docket No.	CEL-002

METHOD OF PAYMENT		FEE CALCULATION (continued)			
1. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other		3. ADDITIONAL FEES			
2. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531. <input type="checkbox"/> Required Fees (copy of this sheet enclosed). <input checked="" type="checkbox"/> Additional fee required under 37 CFR 1.16 and 1.17. <input checked="" type="checkbox"/> Overpayment Credit.		Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
3. <input checked="" type="checkbox"/> Applicant claims small entity status.		130	65	Surcharge - late filing fee or oath	65
		50	25	Surcharge - late provisional filing fee or cover sheet	
		130	130	Non-English specification	
		2,520	2,520	For filing a request for reexamination	
		110	55	Extension for reply within first month	
		390	195	Extension for reply within second month	
		890	445	Extension for reply within third month	
		1,390	695	Extension for reply within fourth month	
		1,890	945	Extension for reply within fifth month	
		310	155	Notice of Appeal	
		310	155	Filing a brief in support of an appeal	
		270	135	Request for oral hearing	
		130	130	Petitions to the Commissioner	
		50	50	Petitions related to provisional applications	
		180	180	Submission of Information Disclosure Statement	
		710	355	Filing a submission after final rejection (37 CFR 1.129(a))	
		710	355	For each additional invention to be examined (37 CFR 1.129(b))	
		Other fee (Specify)			
		Other fee (Specify)			
		SUBTOTAL (3)			(\$) 65
1. FILING FEE					
Large Entity					
Fee (\$)	Fee Description				Fee Paid
710	Utility filing fee				710
320	Design filing fee				
150	Provisional filing fee				
	Number Filed	Number Extra	Rate	Amount	
Total Claims	36	- 20 = 16	x \$ 18.00 =	288	
Independent Claims	3	- 3 = 0	x \$ 80.00 =	0	
<input checked="" type="checkbox"/> Multiple Dependent Claim(s), if any				\$270.00 =	270
				TOTAL:	1268
				SMALL ENTITY DISCOUNT:	634
				SUBTOTAL (1)	(\$) 634
2. AMENDMENT CLAIM FEES					
Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid	
Total	-	=	x \$ 18.00 =		
Indep.	-	=	x \$ 80.00 =		
<input type="checkbox"/> First Presentation of Multiple Dep. Claim				+ \$270.00 =	
				TOTAL:	(\$)
				SMALL ENTITY DISCOUNT:	(\$)
				SUBTOTAL (2)	(\$)
CORRESPONDENCE ADDRESS		SIGNATURE BLOCK			
Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibault, LLP High Street Tower-125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100		Respectfully submitted, Date: September 20, 2001 Reg. No.: 41, 418 Tel. No.: (617) 248-7240 Fax No.: (617) 248-7100 Patrick R. H. Waller, Ph.D. Agent for the Applicants Testa, Hurwitz & Thibault, LLP High Street Tower-125 High Street Boston, MA 02110			



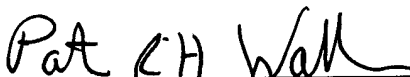
PATENT  
Attorney Docket No. CEL-002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Gardner et al.  
SERIAL NO.: 09/872,868 GROUP NO.: 1653  
FILING DATE: June 1, 2001 EXAMINER:  
TITLE: BISTABLE GENETIC TOGGLE SWITCH

**CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231 on this 20th day of September, 2001.

  
Patrick R. H. Waller, Ph.D.

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Submitted herewith is/are:

Transmittal Form (1 pg.);  
Fee Transmittal Form (1 pg.);  
Check in the amount of \$699.00;  
Response to Notice to File Missing Parts (2 pg.);  
Copy of Notice to File Missing Parts (1 pg.);  
Declaration and Power of Attorney (3 pgs.);  
Application Data Sheet (2 pgs.);  
Formal Drawings (17 pgs.);  
Formal Drawings Transmittal (1 pg.);  
Return Receipt Postcard

WALLER78465.2180581\_1



PATENT  
Attorney Docket No. CEL-002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Gardner et al. BATCH NO.:  
SERIAL NO.: 09/872,868 GROUP NO.: 1653  
FILING DATE: June 1, 2001 EXAMINER:  
TITLE: BISTABLE GENETIC TOGGLE SWITCH

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**TRANSMITTAL OF FORMAL DRAWINGS**

Sir:

Attached please find the formal drawing(s) for this application - Number of Sheets - 17.

Date: September 20, 2001  
Reg. No. 41, 418

Tel. No.: (617) 248-7240  
Fax No.: (617) 248-7100

Respectfully submitted,

Patrick R. H. Waller, Ph.D.  
Agent for Applicant(s)  
Testa, Hurwitz, & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, Massachusetts 02110

WALLER\7846\5.2180603\_1



PATENT  
Attorney Docket No. CEL-002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Gardner et al.  
SERIAL NO.: 09/872,868 GROUP NO.: 1653  
FILING DATE: June 1, 2001 EXAMINER:  
TITLE: BISTABLE GENETIC TOGGLE SWITCH

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Sir:

In response to a "Notice to File Missing Parts of Application" dated July 20, 2001, Applicants submit the following:

1. a check in the amount of \$699.00, including the following small entity fees: a statutory basic filing fee of \$355.00, a surcharge for \$65.00, \$144 for additional claims, and \$135.00 for multiple dependent claim surcharge;
2. a copy of the "Notice to File Missing Parts of Application" (1 pg);
3. a Declaration and Power of Attorney for Utility or Design Patent Application (3 pgs);
4. Application Data Sheet (2 pgs);
5. Formal Drawings (17 pgs);
6. a Transmittal document (1 pg);
7. a Fee Transmittal document (1 pg);
8. a return receipt postcard.



#4

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/872,868	05/01/2001	Timothy Gardner	CEL-002

021323  
TESTA, HURWITZ & THIBEAULT, LLP  
HIGH STREET TOWER  
125 HIGH STREET  
BOSTON, MA 02110

CONFIRMATION NO. 1090

## FORMALITIES LETTER



\*OC000000006324134\*

Date Mailed: 07/20/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$558.
  - \$288 for 16 total claims over 20.
  - \$270 for multiple dependent claim surcharge.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1398.

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

09/25/2001 SMINASS1 00000072 09872868

01 FC:201	355.00 OP
02 FC:203	144.00 OP
03 FC:204	135.00 OP
04 FC:205	65.00 OP